

International Mechanisms for the Protection of Freedom of Expression

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Abstract:

Freedom of expression was not offered on a silver platter; rather, it came after great suffering and struggle carried out by philosophers and free people around the world against their ruling authorities. For this reason, freedom of expression gained wide resonance after the end of the First World War and became an international matter, after previously being regarded as a domestic issue under the principle of state sovereignty. After the end of the Second World War, the United Nations was established, which worked on issuing declarations, covenants, and conventions and created international mechanisms that effectively contributed to the protection of freedom of expression at the international level.

Keywords: Freedom of expression, human rights, protection of freedom of expression, international mechanisms, international conventions.

Introduction:

The deviation and dominance of the ruling authority in the state led to human suffering. In order to correct this deviation and restore balance, human beings struggled through their jurisprudential and philosophical ideas, which gradually transformed over time into political ideas and were framed within a legal structure. Among these ideas were those related to freedom of expression and its protection, which has now become a foundation of the international system.

The features of international interest in freedom of expression and its protection began to appear in the Charter of the United Nations, which included in its preamble the protection of human dignity and freedom. This interest was further demonstrated by the issuance of the principal human rights document, namely the Universal Declaration of Human Rights in 1948. In order to activate the Universal Declaration of Human Rights and transform it into international obligations, the United Nations body issued the two Covenants, one on civil and political rights and the other on economic, social, and cultural rights in 1966. In addition, there are many other charters and covenants that addressed freedom of expression, most notably those prohibiting discrimination in all its forms.

However, it can be said that although the United Nations issued declarations and covenants, these were not sufficient without mechanisms to protect these declarations, covenants, and conventions in order to ensure their implementation. Therefore, the international community did not overlook the need to establish the necessary mechanisms for monitoring and fulfilling these obligations. Among these mechanisms are the General Assembly, the Security Council,

and the Economic and Social Council, as well as the specialized agencies that emerged from them.

To conduct this study, the researcher posed the following problem: To what extent have the international mechanisms that were established contributed to the protection of freedom of expression? To answer this issue, the researcher must raise a number of sub-questions central to the research problem: What are the historical developments that freedom of expression has undergone? The second question is: What are the legal legislations stipulated by the United Nations to protect freedom of expression? Finally, what are the mechanisms established by the United Nations to implement its legislation for the protection of freedom of expression?

Objectives of the Study:

Through this study, the researcher seeks to achieve a number of objectives: defining freedom of expression and its protection under international law; shedding light on the mechanisms established by the international legislator for the implementation of international declarations, covenants, and conventions; and providing activists, journalists, politicians, and defenders of freedom of expression with a specialized study on the international mechanisms for the protection of freedom of expression.

The Importance of the Study:

At the present time, freedom of expression is experiencing significant violations, particularly in Algeria due to the peaceful movement that the country has witnessed, including restrictions, silencing of voices, suppression of opinion activists, journalists, and human rights defenders, and the issuance of harsh judgments against them. Similar situations exist not only in Arab countries but also worldwide. This has required the researcher to address this topic with the aim of spreading legal awareness of the existence of these international mechanisms and their capacity to confront the continuous violations of freedom of expression. Its importance also stems from the scarcity of specialized studies on the subject of international mechanisms for the protection of freedom of expression, which can support and enrich this freedom, strengthen the capacity of its defenders, and affirm its universality. It is not reasonable for an individual to enjoy freedom of expression in one place and lose it upon leaving it, or vice versa. It also highlights the right to freedom of expression, which has become an essential and important part of international relations, as all states are responsible for promoting freedom of expression.

Methodology of the Study:

In this study, we relied on the descriptive and analytical method to answer these questions, which allows for the analysis and highlighting of international mechanisms for the protection of freedom of expression. The researcher also employed the historical method in order to trace the origin and development of freedom of expression in an integrated manner that serves the purposes of the research.

1. The Meaning of Freedom of Expression

1.1: The Historical Meaning of Freedom of Expression

1.1.1: The Development of Freedom in the Middle Ages

The concept of freedom of expression in the Middle Ages goes back to the United Kingdom (England), which was among the first countries to recognize the right to freedom of expression in particular (Baghrou, 2006, p. 09). This recognition may be considered a foundation for acknowledging freedom of expression and a basis for strengthening its status in many countries

of the world as a result of this declaration issued by England, which included a set of laws and rules in its legislation, among them the Magna Carta, which was adopted after the overthrow of King James II and the appointment of William II and Queen Mary to the throne (Kashkash, 1987, pp. 355–357). One year later, the English Parliament issued a law known as the Freedom of Speech Act (Fahmi, 2009, p. 65).

In France, after years of struggle for human rights in 1628, as well as the French Bill of Rights of 1688, the Declaration of the Rights of Man and of the Citizen was issued on 26 August 1789 with new amendments added. Freedom of expression was considered an essential and inseparable part of human rights (Abdel Halim, 2013, p. 64).

France imposed prior censorship on newspapers, and this situation continued for a long time until it was abolished by a law issued in 1881 (Abdel Halim, 2013, pp. 64–65).

After the independence of the United States of America from England, Thomas Jefferson drafted what was called the Declaration of Independence, or the Virginia Declaration, in 1776. It included freedoms in general, most notably equality and non-discrimination among citizens, freedom of elections, the right to property for the public interest, the right to freedom of opinion and expression, and the abolition of severe penalties (Ibrahim Al-Amiri, 2011, p. 71). Later, freedom of expression was removed from its provisions, and opposition to the government was considered a crime punishable by law. There was no equality between blacks and whites with regard to freedom of expression. With the amendment of the Declaration in 1789, new amendments were added, including freedom of speech (Fahmi, 2009, p. 66).

1.1.2: The Philosophical and Jurisprudential Meaning of Freedom of Expression

Many philosophers and jurists have addressed freedom of expression because it constitutes the basis for spreading their ideas, and without it no subject can be discussed nor any phenomenon studied.

1.1.2.1: The Philosophical Meaning of Freedom

The philosopher Hegel believes that “freedom is the constituent element of the concept of man, and awareness of this truth has worked throughout history as an instinct for centuries, achieving great changes. However, saying that man is free by nature does not mean by virtue of his concrete being, but by virtue of what his essence and concept determine” (Jean-Paul, 2003, p. 177). Sartre also defines it as a goal that man seeks, stating that “if we want to make our freedom a goal we strive for, then we must also make the freedom of others a goal we strive for... If we consider that the individual, at all stages of his life and in all his situations, can only choose his freedom as a path, and if this is correct, then it follows that man can only choose the freedom of others” (Jean-Paul, 2003, p. 82).

Among Arab thinkers, Abdullah Al-Aroui emphasizes the individual’s attachment to freedom within society, stating that it requires two things: “first, affirming freedom as an original, necessary, self-evident right that accepts no debate or dispute; and second, affirming absolute and abstract freedom. These two matters are available to the person through his daily experience. There is no need for proof that freedom is a natural right as long as life requires and necessitates it” (Al-Aroui, 2002, p. 17).

1.1.2.2: The Jurisprudential Meaning of Freedom of Expression

According to the jurist Claude-Albert Colliard, freedom of expression of opinion cannot be taken into account if it is based on the idea of domination founded on freedom of religion or belief and the like. Nor should it carry a secular dimension that surrounds the political sphere

aimed at liberalism and openness. Therefore, this freedom is defined or relative, considering that freedom of expression of opinion means holding an opinion in which the opinions of others are respected (CIAUDE, 1972, p. 317).

The Greek philosopher Aristotle also affirmed long ago that freedom of expression is an essential condition for reaching the community as the essence of the state (John & Grover, 1991, p. 419).

Among some Arab thinkers, Dr. Muhammad Al-Zuhaili defines it as: “the ability of a person to express his viewpoint through various means of expression and to state their opinion on the policy of the ruler that brings them benefit and good” (Al-Zuhaili, 2003, p. 186). Professor Dr. Wahbah Al-Zuhaili states that “it is the expression of the vitality of human nature and the vitality of human society, but it does not mean incitement to disobedience, restriction, embarrassment, or denying others the opportunity, nor does it mean provocation or incitement to overthrow” (Al-Zuhaili, Wahbah, 2003, p. 39).

In the modern era, freedom of expression has become one of the most important freedoms for human beings and the foundation and most valuable element of democratic society. All human societies have addressed the issue of freedom of expression, each according to its internal balances, specific circumstances, and formulas that respect its particularities. Linguistically, freedom of expression refers to declaring an opinion about what is within a person, through various means, such as writing, gestures, speech, photography, engraving, singing, or even crying, in ways familiar in interactions among individuals.

In general, it can be said that freedom of expression is nothing but the removal of obstacles that prevent a person from naturally expressing himself within his society, in pursuit of his good and happiness.

1.2: The International Meaning (United Nations Charter) of Freedom of Expression

The Charter of the United Nations emphasized the necessity of respecting freedom of expression. The Preamble states: “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (Minnesota, n.d., p. 01). Article 1 of the Charter also provides that among the purposes of the Organization is “to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” Paragraph (c) of Article 55 in Chapter IX concerning international economic and social cooperation states that the United Nations shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” Article 62 assigns responsibilities to the Economic and Social Council, and Article 68 entrusts the Council with establishing a commission for the promotion of human rights (Minnesota, 2020).

1.2.1: The Universal Declaration of Human Rights 1948

The developments in freedom of expression at the international level are attributed to this Declaration, which was adopted by the United Nations General Assembly on 10 December 1948 without opposition, with eight countries abstaining from voting, including the Soviet Union, Yugoslavia, Saudi Arabia, and South Africa (Ibrahim Al-Amiri, 2011, p. 64). Although this document lacks binding force, what was stated in the Charter was not convincing or sufficient, and in order to confirm the United Nations’ interest in the issue of human rights, the Universal Declaration of Human Rights defined freedom of expression in Article 19, which states: “Everyone has the right to freedom of opinion and expression; this right includes

freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (Bassiouni, 2003, p. 30).

It is noted that the exercise of the right to freedom of expression in its concept gives rise to a set of other freedoms that were stipulated, including the right to seek all kinds of information and ideas and to receive them, to obtain news and ideas from their original sources, the right of every person to possess their own sources and information, and the right of every person to transmit ideas and news to others by all means, as well as the right of every person to convey their ideas and opinions without geographical limits (Jaques & Jean, 1978, p. 50).

The Universal Declaration of Human Rights stipulates the fundamental freedoms that must be available in a democratic society that respects freedom of opinion and information. It also works to guarantee and provide them with the greatest possible protection by emphasizing the free flow of information and access to it (Fahmi, 2009, pp. 09 and 11).

On this basis, the Universal Declaration can be considered the first step by the United Nations in promoting and protecting freedom of expression. It also made it one of the direct principles and starting points of all international and regional organizations in establishing legal rules related to freedom of expression.

The Universal Declaration of Human Rights constitutes an official statement of Article 55, which is considered law. Thus, member states have effectively reached the meaning of Article 55, which was relatively general, and the Declaration has become part of customary international law (David, 1993, p. 29).

1.2.2: The International Covenant on Civil and Political Rights 1966

In response to the criticisms directed at the United Nations Charter regarding the dissemination of respect for human rights and fundamental freedoms concerning freedom of expression and aspects of press freedom, freedom of assembly, peaceful demonstration, strike, and the right of access to information, the United Nations General Assembly adopted Resolution 2200 A on 16 December 1966. It entered into force on 23 March 1976 in accordance with Article 49 of the Covenant, which allowed the treaty to enter into force three months after the date of deposit of the thirty-fifth instrument of ratification or accession. The treaty obliges its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion and belief, freedom of expression of opinion, freedom of assembly, electoral rights, and the right to a fair trial. As of April 2014, 168 states had ratified the treaty and 74 states had signed it without ratification (<https://ar.wikipedia.org/wiki>), 2026).

The International Covenant on Civil and Political Rights includes a preamble similar to that contained in both the United Nations Charter and the Universal Declaration of Human Rights. It is divided into five parts. Paragraphs one and two of Article 2 emphasize the necessity of commitment to what was stipulated in the Universal Declaration, while Article 9 addresses judicial proceedings resulting from the exercise of freedom of expression that opposes the ideas of the ruling authority (Shaaban, 2007, p. 57).

Paragraph 2 of Article 19 of the Covenant states that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” However, the exercise of this right is not absolute without restriction. The exercise of freedom of expression carries duties and responsibilities imposed on individuals under the legal text, as stated in paragraph 3 of Article 19, namely

respect for the rights or reputations of others, and the protection of national security, public order, public health, or morals (Bassiouni, 2003).

In this regard, freedom of expression has become an internationally recognized right as one of the most prominent fundamental human rights. The media found in it a form of protection for publishing news within the framework of this article. The Covenant affirmed that freedom of expression is not a license in the hands of media professionals to misuse it by harming the reputation of others or religions, or by spreading misleading ideas leading to deviation, as confirmed by Article 20 of the Convention. Thus, we are faced with two challenges: on the one hand, guaranteeing freedom of expression for individuals and the media; and on the other hand, recognizing the negative consequences of the misuse of this right.

1.2.3: The International Convention on the Elimination of All Forms of Racial Discrimination

The United Nations General Assembly also adopted the International Convention on the Elimination of All Forms of Racial Discrimination and opened it for signature, ratification, and accession by its Resolution 2106 (XX) of December 1965, and it entered into force in January 1964. The preamble of the Convention states that the signatory states consider that the United Nations Charter is based on the principle of human dignity without distinction as to race, sex, or color, since the existence of such barriers may disturb peace and security among peoples. In eliminating racial discrimination, the States Parties undertake to promote understanding, tolerance, and friendship among all races and peoples. States Parties are obliged to take immediate and effective measures in the fields of education, teaching, culture, and information to combat all causes leading to racial discrimination. They must criminalize all propaganda activities that promote racial discrimination and prohibit any organization or propaganda activity that promotes racial discrimination, Article 4(b)(1).

Accordingly, it can be concluded that the principle of non-discrimination prevails over the right to freedom of expression. The evidence for this is that the Convention first stipulated the principle of non-discrimination in Article 4(b) and then addressed the right to freedom of expression in Article 5(d)(8), which confirms the necessity of placing restrictions on this right (Alwan & Al-Mursi, 2007, p. 326).

2: United Nations Mechanisms for the Protection of Freedom of Expression

The mandate of the United Nations in the field of freedom of expression is based on what is included in the second paragraph of the Preamble of the United Nations Charter, which affirms the faith of the members of the Organization in fundamental human rights and the dignity of the individual, as well as what is stipulated in Article 1 of the Charter, which emphasizes that among the purposes of the Organization is to promote respect for freedom of expression without discrimination on the basis of sex.

2.1: Organs Established under the United Nations Charter

2.1.1: The General Assembly

As one of the principal organs composing the United Nations, each state sends a representative to represent it in this Assembly. It has numerous responsibilities in the field of human rights, particularly public freedoms, including freedom of opinion and expression. It undertook this task when it issued the Universal Declaration of Human Rights in 1948 to serve as a model for all states in regulating relations between governments and individuals. It had an impact on the

drafting of various national constitutions (Al-Shafi'i, 2003, p. 288). Following this Declaration, the General Assembly adopted many international conventions containing clear provisions in the field of human rights, and it played a prominent role in this regard.

It is the principal organ of the United Nations, comprising all members of the Organization on an equal basis. Each member state has one vote. It has the authority to discuss all matters and functions as its parliament, discussing any issues within its competence (Khalil Ibrahim, 2005, p. 223). Membership is open to all states without discrimination (Al-Daqqaq, 1989, p. 351).

The Assembly conducts studies and makes recommendations aimed at promoting international cooperation in economic, social, cultural, health, and humanitarian fields, and at achieving human rights and fundamental freedoms for all without distinction as to sex, language, or religion, and without discrimination between men and women. Article 10 of the United Nations Charter sets the general framework for the Assembly's competence in protecting human rights and public freedoms, including freedom of opinion and expression. It grants it a general competence to discuss matters within the scope of the Charter or the functions of any principal or subsidiary organ of the Organization, and to issue recommendations devoid of binding legal force to member states, the Council, or the Security Council, or both (Khalifa, 2015, pp. 340, 351). Article 12 provides that it may make recommendations to the Members or to the Security Council or to both on such matters (Article 12 of the United Nations Charter). Paragraph 1 of Article 13 also affirms the role of the General Assembly in initiating studies and ensuring freedoms for all without discrimination, and in exercising oversight over the conduct of states to ensure compliance with international conventions.

2.1.2: The Security Council

The Security Council consists of five permanent member states and ten non-permanent members elected on a rotating basis. Alongside the General Assembly, the Charter grants the Security Council sensitive powers, as it is the primary body responsible for maintaining international peace and security. Although the Charter did not explicitly assign it the task of protecting freedom of expression, a broad interpretation of its provisions led it to exercise a new competence not expressly mentioned in the Charter, linking the maintenance of international peace and security with the protection of freedoms, including freedom of expression. This was confirmed in the Security Council Summit Statement issued on 31 January 1992 concerning the item entitled "Responsibility of the Security Council in the Maintenance of International Peace and Security." Election monitoring, verification of respect for freedom of expression, and the return of refugees to their homelands are considered integral parts of the Council's efforts to maintain international peace and security in the settlement of regional disputes with the consent of the parties concerned. This summit thus established broad guidelines for interpreting the concept of threats to international peace and security, particularly in the field of freedom of expression and international humanitarian law.

Decisions issued by the Security Council are binding as a result of the commitment of United Nations member states under Article 25 of the Charter to accept and carry out the Council's decisions (Abdel Hamid M., 2000, p. 165).

2.1.3: The Economic and Social Council

The Economic and Social Council is one of the principal organs of the United Nations and a central body of interest regarding freedom of expression. In practice, it exercises its functions in the field of human rights and fundamental freedoms and their observance. It prepares draft

conventions to be submitted to the General Assembly, calls for conferences on human rights including freedom of expression, and coordinates with specialized agencies and states to arrange for reports on steps taken to implement General Assembly recommendations concerning human rights, including freedom of expression. It reports its observations on these reports to the General Assembly (Ibrahim Al-Amiri, 2011, p. 100).

This does not diminish its independence in carrying out its responsibilities related to United Nations activities in the economic and social fields. It exercises several competences, including the protection of freedom of expression, pursuant to Articles 62, 63, 64, 65, and 66 of the Charter, including:

- Preparing studies and recommendations on economic, social, cultural, and health issues;
- Making recommendations to United Nations subsidiary bodies and governmental and non-governmental organizations regarding the promotion and observance of human rights and fundamental freedoms in accordance with Article 62 (Fouad, 2008, p. 24);
- Preparing draft international human rights agreements for submission to the General Assembly; pursuant to Article 68 of the Charter, the Council took an important step in 1946 by establishing the Commission on Human Rights;
- Coordinating the activities of specialized agencies and making recommendations to them.

Pursuant to Article 68 of the Charter, the Council established several subsidiary organs and committees to assist in achieving its objectives, most notably the Commission on Human Rights (currently the Human Rights Council) and the Committee on Economic, Social and Cultural Rights, which was entrusted with monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights of 1966. The Council oversees various human rights bodies. Decisions issued by the Council are not binding, as it does not have the authority to issue binding decisions except with regard to its internal affairs (Abdel Hamid, 2000, p. 165).

2.1.4: The Commission on Human Rights

Article 68 of the United Nations Charter granted the Economic and Social Council the authority to establish commissions. The Commission on Human Rights was established pursuant to Resolution 5 (I) adopted by the Economic and Social Council at its first session on 16 February 1946. It was the first body entrusted with human rights and public freedoms. It initially consisted of 9 members and was known as the “nucleus commission.” Its membership was later increased to 18 members at the second session of the Council through Resolution 9 (II) of 21 June 1946. The number was subsequently increased to 23, then 32, and finally in 1992, in recognition of its efforts, it was increased again to 53 members elected for three-year terms on the basis of equitable geographical distribution (Ben Ahmed, 2011, pp. 277–278).

The Commission met annually to discuss and adopt resolutions concerning human rights situations, including freedom of expression worldwide. It was abolished by General Assembly Resolution 60/251 in 2006. Among its subsidiary bodies were:

- The Sub-Commission on the Promotion and Protection of Human Rights, established pursuant to Economic and Social Council Resolution 1999/256 of 27 July 1999. It was a principal subsidiary body of the Commission on Human Rights and consisted of 26 experts elected in their personal capacity. It examined human rights issues, particularly discrimination and minority issues, submitted recommendations to the Commission, and supervised six working groups, notably the Communications or Complaints Group, also known as Procedure

1503 or the confidential procedure, which was authorized to receive complaints from individuals against their governments and verify that they did not constitute a consistent pattern (Bouaicha, 2014–2015, p. 54).

– The competences of the Sub-Commission on the Promotion of Human Rights included:

- Human rights violations and fundamental freedoms in all countries;
- Justice, rule of law, and democracy, including discrimination in the administration of justice, human rights in states of emergency, and the death penalty;
- Economic and cultural rights, including the right to safe drinking water, the right to development, and combating extreme poverty;
- Prevention of discrimination, including racism, racial discrimination, xenophobia, protection of indigenous peoples, and protection of minorities;
- Other specific human rights issues such as women and human rights, contemporary forms of slavery, refugee and displaced persons issues, reservations to human rights treaties, and emerging issues (Bouaicha, 2014–2015, p. 56).

2.1.5: The Human Rights Council

The United Nations General Assembly adopted the agenda of its 60th session held in September 2005 and, by Resolution A/RES/60/251 of 15 March 2006, established the Human Rights Council as a replacement for the Commission on Human Rights. During the sixtieth session, the President of the General Assembly, Jean Ping, submitted a draft resolution on 24 February 2006 under agenda items 46 and 120 proposing the establishment of the Human Rights Council.

The resolution consists of a preamble and 16 operative paragraphs establishing the Human Rights Council, headquartered in Geneva, replacing the Commission on Human Rights. It is a subsidiary body of the General Assembly rather than of the Economic and Social Council. It consists of 47 member states elected for three-year terms by a majority of the members of the General Assembly according to the principle of equitable geographical distribution. Members may not be immediately re-elected after serving two consecutive terms, and election requires obtaining the majority of votes of the Organization's members. The Council was granted the authority to conduct a periodic review of human rights situations, including freedom of expression, in all countries of the world (Radwi, 2010, p. 80).

The Council also carries out its functions through the mechanisms of the Universal Periodic Review and the Advisory Committee. These mechanisms work to study and monitor the human rights situation, including freedom of expression, in a specific country, as well as to study and monitor serious violations of human rights and freedoms wherever they occur throughout the world. These mechanisms are known as thematic procedures or country-specific procedures concerning states that violate freedom of expression. They submit reports to international bodies containing a presentation of their activities and the results they have reached, and these are published to public opinion (Waqi, 2010–2011, p. 157).

The Council undertakes several tasks to protect human rights, including freedom of expression. Its mechanisms can be summarized as follows:

2–1–5–1: Universal Periodic Review (UPR)

It is a session during which the human rights records of all United Nations member states (48) states are reviewed every (4) years, based on relevant documents such as the Charter of the United Nations, the Universal Declaration of Human Rights and others, as well as the voluntary

pledges of states, and information from special rapporteurs and international and national non-governmental organizations (<http://www.ohchr.org/AR>) , 2019).

2-1-5-2: Special Procedures

A concept applied to the mechanisms established by the Commission on Human Rights and currently undertaken by the Human Rights Council. They consist of individuals or working groups appointed by the Commission on Human Rights (currently the Human Rights Council) to address and monitor specific country situations or thematic issues in the world, provide advice, and submit public reports on them. The special procedure may be an individual Special Rapporteur or Independent Expert, or a working group composed of five members who commit to independence, competence, and integrity. They are not United Nations staff members and do not receive remuneration for their work.

There are two types of special procedures: the thematic mandate, which addresses a specific human rights issue such as torture or freedom of thought and expression and others; and the country mandate, which studies the general human rights situation in a particular country (<http://www.ohchr/AR/HRBodies/SP/Pages/Introduction>) aspx, 2018).

2-1-5-3: Methods of submitting complaints before the Human Rights Council.

A: Filing the complaint: It is not restricted by any formality. It may be submitted by letter in all its forms, ordinary, electronic, fax, telegram, etc., provided that it contains sufficient information, including identification of the victim, perpetrators of the violations, and the circumstances of the case (complaint) alleging a violation of freedom of expression, as well as information about the claimant if the complainant is not the victim himself.

- Any individual claiming to be a victim, or a group of individuals claiming to be victims.
- The complaint may be submitted by the victim, one of his relatives, or national and international non-governmental organizations.

B: Complaints and communications rejected before the Human Rights Council.

B-1: Rejection of complaints and communications in the following cases:

- The complaint is rejected if it is under consideration before other UN or regional mechanisms.
- The complaint is rejected if it contains inappropriate expressions such as insult, abuse, or defamation.
- The complaint is rejected if its subject is political (Waqi, 2010–2011, p. 156).

B-2: Communications rejected in the following cases:

- Anonymous communications and those taken solely from media sources are not accepted.
- The communication must include an accurate description of the facts and specify the subject of the complaint concerning freedom of expression.
- A complaint cannot be submitted before the Human Rights Council unless all available domestic remedies in the concerned country have been exhausted, unless they are shown to be ineffective or unduly prolonged.
- Communications containing insult or defamation against a specific state are not taken into consideration (Waqi, 2010–2011, p. 157).

2-1-6: International Court of Justice

The International Court of Justice functions as the judicial organ of the United Nations pursuant to Article 92, Chapter Fourteen of the Charter of the United Nations (Minnesota, 2020). It exercises two types of jurisdiction. The first is judicial in nature, whereby the Court decides disputes submitted to it voluntarily by states in the exercise of their sovereignty (United

Nations, Report of the International Court of Justice, 2012–2013, p. 13). The second function is advisory. In addition to the two principal organs of the United Nations (the General Assembly and the Security Council), which are authorized to request advisory opinions from the Court on legal questions under paragraph 1 of Article 96 of the Charter, three other UN organs are currently authorized (the Economic and Social Council, the Trusteeship Council under the General Assembly, and organizations including the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization) to request advisory opinions from the Court on legal questions arising within the scope of their activities under paragraph 3 of Article 96 of the Charter (United Nations, Report of the International Court of Justice Annex 4, 2012–2013, p. 13).

2–2 Specialized agencies in the protection of freedom of expression

Freedom of expression receives attention from specialized international agencies such as the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization (UNESCO). They have long been active in the field of freedom of expression, particularly regarding the right of peoples to express cultural, educational, media, and other affairs. The prominent role played by the International Labour Organization in protecting workers' right to express their opinions through strike action, and in setting international standards to ensure the implementation of international labor conventions, makes these specialized organizations international mechanisms for monitoring the implementation and application of instruments related to the protection of freedom of expression, in accordance with Article 63 of the Charter of the United Nations.

2–2–1: United Nations Educational, Scientific and Cultural Organization.

The United Nations Educational, Scientific and Cultural Organization appeared in 1946 following the London Conference of 1945, which drafted the Constitution of UNESCO and decided that its headquarters would be in Paris. UNESCO came into existence on 4/11/1946, and an agreement was signed with the United Nations granting it the status of a specialized agency. The preamble of its Constitution states: “Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed.” According to Article One of its Constitution, the organization aims to maintain peace and security and to work through education, science, and culture to create cooperation among nations and preserve rights and freedoms without discrimination based on race, sex, language, or religion. To achieve this, UNESCO sets standards, supervises their implementation, and works to collect and disseminate educational, scientific, and cultural information (Ibrahim Al-Amiri, 2011, p. 157). The organization has established several mechanisms for monitoring and supervising the protection of freedoms within its field of competence, including:

A: The reporting system.

B: The complaints (communications) system.

The organization receives and examines communications submitted by individuals or governments as follows:

- Receipt of individual communications: The committee examines the communication and presents it to the concerned government for observations, and prepares a report containing its recommendations to be submitted to the Executive Board (Tuaimat, 2001, p. 407).
- Receipt of governmental communications: The committee examines communications submitted by a state claiming that another state is not fulfilling its obligations under the

Convention against Discrimination in Education. The right of recourse to the committee is limited to states parties to the Convention.

– The committee’s decisions are not judicial judgments and are therefore not binding on those addressed.

2–2–2: International Labour Organization (ILO)

On 11/04/1919, the International Labour Organization was established under the Treaty of Versailles as an independent institution within the League of Nations. In 1946, the International Labour Organization became a specialized agency associated with the United Nations (Ibrahim Al-Amiri, 2011, p. 148), responsible for workers’ conditions and rights. Although it was an independent institution, it was linked to the League of Nations, and in 1946, after the dissolution of the League and the establishment of the United Nations, the organization became the first specialized agency in the UN system.

The organization adopted a number of conventions and recommendations related to the protection of human rights, especially the protection of the working class, ensuring their rights, improving working and living conditions, protecting freedom of trade union organization, and the right to strike. Trade unions represent voluntary associations of workers to express their opinions and defend their civil and political rights alongside their economic, social, and cultural rights, given the interdependence and indivisibility of human rights (Bataher, 2018).

Conclusion:

It can be concluded from the subject of freedom of expression that it is one of the oldest freedoms for which everyone has struggled, whether educated persons, jurists, philosophers, or ordinary individuals, in order to protect it, combat dictatorship, confront political authority, and prevent infringement upon it. This struggle led some authorities to issue legislation by the ruling power to ease pressure. William II and Queen Mary, one year after ascending the throne, prompted the English Parliament to issue a law called freedom of speech. Likewise, in France, the Declaration of the Rights of Man and of the Citizen in 1789 was issued.

This development in international thinking followed the dissolution of the League of Nations and the establishment of an international body to maintain international peace and the interests of states and achieve cooperation among them. On 2 June 1945, the birth of the United Nations was announced in the city of San Francisco. Among its provisions was the protection of human rights, including freedom of expression, for which the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966 were issued, as well as the Convention on the Elimination of All Forms of Racial Discrimination. Mechanisms were also established to protect freedom of expression, including the General Assembly, the Security Council, the Economic and Social Council, the Commission on Human Rights, the Human Rights Council, the International Court of Justice, and specialized agencies.

As for the results reached: the mechanisms for the protection of freedom of expression established within the United Nations or specialized agencies observe the principle of state sovereignty and operate within the framework of protecting that principle. The measures taken within the legal framework of the Security Council under Chapter VII of the Charter of the United Nations or international criminal proceedings result, in cases of violation of freedom of expression, in sanctions that do not go beyond publicizing these violations internationally and issuing recommendations urging states to reform their situations regarding freedom of

expression. Thus, this remains a moral aspect, as it were, gradually seeking to balance between the state and the individual, without reaching the stage of a mechanism that issues binding decisions.

One year after William II and Queen Mary ascended the throne, the English Parliament issued a law called freedom of speech.

The proposals reached by the researcher are as follows:

- To urge the establishment of a permanent human rights court to protect freedom of expression, with the authority to consider complaints submitted by individuals and to issue binding judgments on governments and states.
- The researcher calls for the preparation of clear mechanisms to exert pressure on governments, especially those parties to human rights conventions, to incorporate these conventions into their national legislation so that they become part of domestic law and easier to implement.
- The necessity of adopting stricter measures in the field of international justice regarding the acceptance of complaints from individuals and groups, and obligating governments to comply with judgments issued.
- The need to raise awareness among individuals of the existence of international mechanisms for the protection of freedom of expression.
- Working to amend certain international agreements and covenants to require the establishment of more stringent and effective treaty bodies and to expand their powers in certain matters.

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